

Docket No. F-7876

Scr. No. 10/606,628

**REMARKS**

Claims 1-16 are remain pending in this application. Claims 1-16 are rejected. New claims 13-16 are added. Claims 1-4, 9, 10, and 13 are amended herein to address a matter form noted by the Examiner in claim and to and address other formal matters that were not addressed by the Examiner and accordingly are considered unrelated to substantive patentability issues.

**CLAIM REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Claims 1-8 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of an informalities state in the Office Action. claim 1 is now amended to include the omitted introduction of the "line." Therefore, reconsideration of the rejection of claims 1-8 and their allowance are earnestly requested.

**INTERVIEW ACKNOWLEDGMENT AND SUMMARY**

The applicant and applicant's attorney appreciate the Examiner's granting of the telephone interview conducted on December 4, 2007 and extend their thanks to the Examiner for her time and consideration. During the interview the Examiner's reading of a line that is tensioned, as recited in each of the claims, onto the Prentice reference was questioned. At the time of the interview the Examiner's

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supervisor was not available and it was requested that the supervisor be present to comment on the issue. The Examiner suspended the interview in order to arrange for supervisory presence. Upon subsequent contact with applicant's attorney, the Examiner indicated that after consultation with her supervisor it was decided that the rejection based on Prentice reference teaching the tensioned line would be withdrawn following applicant's response. The Examiner stated that the supervisor advised that the Prentice reference could not be used for teaching the claimed "line tensioned across the photographing section."

Details of the interview discussions are presented below in relation to the pertinent subject matter of the Office Action.

#### **CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)**

Claims 1, 2, 9, 10, 13 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Prentice reference. Applicant herein respectfully traverses these rejections. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

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Applicant and applicant's attorney have reviewed the Prentice reference and the rejection and cannot find any item in the reference which would remotely teach a tensioned line. The Examiner cites item 22a-d as being a "line." Items 22a-d are gantry systems and are not *tensioned lines*. During the interview, and prior to consultation with the supervisor, the Examiner expressed the opinion that a "line" can read on "anything." It is respectfully submitted that such analysis is not appropriate interpretation of claim language. A "line" cannot read on a plate type object such as the gantry apparatus. Further, the "line" of the claim is tensioned. Such structure is not shown in the applied references.

In view of the agreement reached in the interview applicant submits that the rejection is now rendered moot. It is respectfully submitted that claims 1, 2, 9, 10, 13 and 14 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1, 2, 9, 10, 13 and 14 and their allowance are respectfully requested.

#### **CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 3, 4, 11, 12, 15 and 16 are rejected under 35 U.S.C. §103(a) as obvious over the Prentice reference. Claims 5-8 are rejected under 35 U.S.C. §103(a) as obvious over the Prentice reference in view of the Martin reference. The applicant herein respectfully traverses this rejection. For a rejection under 35

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U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

With regard to the obviousness rejection of claims 3, 4, 11, 12, 15 and 16, it is respectfully submitted that this rejection must fail in view of the above noted failure of the Prentice reference to provide a satisfactory basis for a teaching of the "tensioned line."

With regard to the rejection of claims 5-8, it is respectfully submitted that the Examiner has not provided the requisite response to applicant's arguments regarding the application of the Martin reference for somehow teaching the use of a "string." The Examiner again improperly reads the Martin reference as teaching the use of "string" when in fact the reference teaches a "stringer" which has nothing to do with string. In the remarks of the amendment filed May 4, 2007, the following was stated:

The Examiner states that the Martin reference discloses "the use of string (2106a, b, c) for the purpose of supporting the coins." This is incorrect. The Martin reference discloses the use of "stringers" for supporting the coins. "Stringers" are not "strings." The term has no relation to "string." Provided in Appendix I of this response is a dictionary definition of the common term "stringer" which is used architecture and engineering. The definition recites, *inter alia*, "a long, heavy horizontal timber used for any of several connective or supportive purposes." *The American Heritage Dictionary*, Second College Edition, Houghton Mifflin Company (Boston 1985). As used in the Martin reference it simply means an elongated rigid member. The recitation in the Martin reference that "some previous devices provide for flat-topped or rounded-profile

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rails or ridges, the present invention provides ridges or stringers which at least in the second portion, 2121b, have a triangular or peaked profile" should make clear that the term has no relationship to the "string" recited in the claims and that no one skilled in the art of mechanical design would make such an association.

Amendment after Final Rejection filed May 4, 2007, pages 15-16. Merely because the Examiner changed the primary reference, does not mean a response to arguments concerning a secondary reference, which is identically applied in the new rejections, is excused. Applicant is entitled to understand the Examiner's reasoning in order that a proper response to the rejections set forth may be prepared.

It is further not understood why the Examiner insists are again presenting the Martin reference for teaching a "string" when applicant has explicitly shown based on documentary dictionary evidence that the term "stringer" is being misconstrued by the Examiner. Applicant is entitled to proper consideration of remarks presented opposing the rejections and an explanation of why application of a reference is maintained. It is respectfully submitted that applicant has not been given such consideration.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims and their allowance are respectfully requested.

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**NEXT ACTION CANNOT BE MADE FINAL**

It is further noted that the above discussed features were present in the originally filed claims. As such, the present amendments cannot necessitate new grounds for rejection as the present rejections are respectfully submitted as failing to have been established. It is the failure of the present art rejections of the claims, prior to present formal amendments, that is the necessitating factor for any further new rejections. Accordingly, it is respectfully submitted that a next Office Action cannot be made final.

It is respectfully submitted that none of the claim amendments substantively affects the subject matter of the claims considered by the Examiner in the aforesaid rejections and hence cannot be grounds for further rejections warranting a final Office Action.

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**NO FEE DUE**

No fee is believed due. If there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,  
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